

REMARKS

Reconsideration and allowance of the subject patent application are respectfully requested.

The identification of the pending and rejected claims on the office action summary sheet and on page 2 of the office action is incorrect. Claims 1-4, 6-12 and 14-44 are pending in this application.

Claims 1-4, 6, 10, 12-32 and 34-44 under 35 U.S.C. Section 102(e) as allegedly being "unpatentable" over Conrad et al. (U.S. Patent No. 6,810,527). Although the rejection is stated to be under 35 U.S.C. Section 102(e), the body of the rejection indicates that the rejection should be under 35 U.S.C. Section 103(a).

Independent claims 1, 2, 10, 17, 18, 19, 20, 21, 22, 23, 24, 25, and 42 each require a timer that is set in accordance with a continuation/refresh signal. Applicants respectfully submit that these claims and their dependent claims are not made obvious by Conrad et al. Consequently, Applicants respectfully submit that the rejections in the office action based on Conrad et al. (whether under 35 U.S.C. Section 102 or 103) are improper and should be withdrawn.

Conrad et al. describes a distribution system that can produce and deliver live content, as well as pre-recorded content and other content, to commercial passenger aircraft via a satellite and ground-based infrastructure. According to Conrad et al., "[t]he present invention thus provides a virtual 'cable head-end in the sky' given its versatility and the control placed on board each aircraft to determine the make-up of that aircraft's channel schedule and advertisements." Conrad et al., col. 17, lines 55-58.

The Conrad et al. system includes a Global Operations Center (GOC) 42 and Local Operation Centers (LOC) 43. The GOC 42 is the main clearinghouse for international media receiving global content from global and local content providers 47 and outside production houses 46. It delivers films, syndicated shows and other content intended for longer haul flights and also provides content to the LOCs which in turn input and add appropriate local media and deliver that data to local fleets of aircraft assigned to that region. Conrad et al., col. 8, lines 20 et seq.

The hardware on-board an aircraft is shown in Figure 3 and described in the Conrad et al. specification beginning at col. 8, line 61. This on-board hardware "produces one or more streams of audio and video programming to the In-flight Entertainment (IFE) Interface Unit (227) for playout through the aircraft's existing IFE system (221)." Conrad et al., col. 11, lines 53-56. Conrad et al. describes that the playout schedules may be based on factors such as:

confirming receipt or non-receipt of various content, navigational data such as time of take-off, delays in take-off, length of flight, various time zones the plane is scheduled to encounter as travel progresses (which can affect live viewing), weather conditions, potential delays in landing, overall flight time that has unexpectedly varied ...Conrad et al., col. 12, lines 16-23.

Conrad et al. also mentions that control of access to and distribution of content may be extended to "various zones in the plane, for e.g., first-class, business class, coach zones." Col. 11, lines 11-13.

Thus, Conrad et al. is mainly concerned with delivering content to aircraft and the playing out and distributing of the delivered content on-board the aircraft. The "content reception apparatus" that receives and reproduces the content includes overhead monitors and in-seat video monitors of the "existing" IFE system. See Conrad et al., col. 1, lines 32-33. As explained in greater detail below, there is no disclosure or suggestion whatsoever in Conrad et al. that the monitors of the IFE be configured or arranged in the manners specified in the pending claims.

The office action correctly points out that Conrad et al. mentions the delivery of "software applications and other data to passengers' personal computers, either in-flight or at a ground-based point of distribution, such as an airline terminal." Conrad et al., col. 3, lines 4-8. However, the descriptions of the personal computers in Conrad et al. contains no disclosure or suggestion that these personal computers include, for example, timers whose expiration prevent the reproduction of content.

At col. 2, lines 53-57, Conrad et al. mentions that conditional access (described in the preceding sentences of text as involving encryption/decryption) may be used to restrict access to data feeds "comprising data content other than audio or video to passengers' personal computers on board the aircraft." At col. 3, lines 25-29, Conrad et

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al. notes that "[t]he back channel also provides connectivity to the passenger either through the aircraft's entertainment system or the passenger's personal computer to permit, for example, receipt of e-mails and other messages while in flight." At col. 3, lines 30-36, Conrad et al. describes that "a smart card is provided to passengers to use for access control to content on-board on an individual passenger basis, i.e., where certain content is made available to all passengers and other content is available only to individual passengers, such as electronic mail and other personalized content, as well as content that is provided for payment." None of these descriptions relates to a timer as called for in the pending claims.

With respect to claim 1, the office action respectively identifies the personal computer and media server referenced in Conrad et al. as the claimed "content reception apparatus" and "content distribution apparatus". The office action states:

Conrad does not expressly disclose a timer which is set based on the continuation signal wherein content is reproduced continuously for a period of time determined in accordance with said timer and wherein the content apparatus is unable to reproduce the content after expiration of the period of time, however, Conrad does suggest that content may be reproduced in accordance with a continuation signal for a limited period of time such as the duration of an airplane flight or other time limited factors (column 5, line 39-column 6, line 9 and column 12, lines 16-36). 8/9/2006 Office Action, page 6.

The office action makes a similar statement in the Response to Arguments section on page 2 of the office action, making reference to the column 15, lines 25-44 disclosure of Conrad et al. in addition to the column 5-6 and column 12 references noted above.

However, none of these referenced portions of Conrad et al. discloses or suggests setting a timer as set forth in the pending claims. Indeed, the ability of the "content reception apparatus" in Conrad et al. to reproduce content is dependent on how the content is played out by the media server: if playout is stopped, reproduction stops. Thus, Conrad et al. teaches away from including a timer in the reception apparatus inasmuch as the ability of a reception apparatus to reproduce content is controlled by the media server.

The column 5-6 disclosure referenced in the office action is directed to the production process at the "global operations", "satellite uplink facilities" or at "existing production houses" and describes that the content may be produced based on factors such

a flight duration. See also box 313 in Figure 2, which Figure shows “the functions performed by the global operations center of the system.” Column 3, lines 63-64. There is no disclosure or suggestion here of providing a timer in a passenger device (e.g., personal computer) for setting a period of time during which received content can be reproduced.

The column 12 disclosure referenced in the office action describes factors associated with the “playing-out” of content from the media server 220. See, e.g., col. 12, lines 26-28 (“Each of these factors [e.g., length of flight] may influence how the media server (220) controls play-out of channel schedules.”) There is no disclosure or suggestion here of including a timer in a passenger device (e.g., personal computer) for setting a period of time during which content received from such a media server can be reproduced.

The column 15 disclosure referenced in the office action relates to factors used by the system controller 222 to form a “play-out schedule”. There is no disclosure or suggestion here of a timer for a device that receives the content “played-out” in accordance with the schedule.

In short, Conrad et al. discloses that the timing of the reproducing of content is determined by the “playing-out” of the content, not by a timer in the content receiver.

The office action also appears to interpret Conrad et al. as suggesting that the “played-out” audio and video content is received by the passenger’s personal computer. However, Applicants understand that this played-out content is distributed to passengers using the conventional aircraft in-seat audio and video distribution system. See col. 1, lines 19-60. The use of personal computers is described in connection with distributing “software applications and other data”. See, e.g., col. 3, lines 4-15. Indeed, col. 2, lines 55-56 expressly states that content “other than audio or video” is distributed to passengers’ personal computers.

The office action rejects the argument presented in the prior response that Conrad uses a smart card to decrypt content because “the claims do not recite a smart card and/or any decryption methods.” 8/9/2006 Office Action, page 3. However, the reference to Conrad et al.’s use of a smart card provides further confirmation that there is no use of a

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timer as claimed. Instead, to the extent the reproducing of content is controlled in Conrad et al., it is controlled using a smart card.

Applicants also traverse the characterizations of the operation of Conrad et al. set forth on page 7 of the office action. In particular, the office action contains the following characterization of Conrad et al.:

if the receiver no longer receives the refresh signal, the content can also no longer be received and, therefore, the receiver will have no more content to display and will display the amount of content that has been received in the time period that the content has been received. One of ordinary skill would have found it obvious to modify Conrad to use a timer to measure this time period since it would have been within the level and knowledge of one of ordinary skill to use a timer as a "timeout" timer based on the refresh signal wherein, when the timer expires and no more content has been received from the distribution apparatus, the receiving unit will no longer display content.

First, Applicants do not find any description in Conrad et al. of the particular operations described above and the office action cites to no portion of Conrad et al. in this regard.

Second, if Conrad et al. is already operative to stop displaying content in the absence of a refresh signal as the office action alleges, one of ordinary skill would seem to have no reason to provide a timer to measure this period as suggested in the office action.

For at least these reasons, claims 1, 2, 10, 17, 18, 19, 20, 21, 22, 23, 24, 25, and 42 and the claims that depend therefrom patentably distinguish from Conrad et al.

Claims 7-9, 11, 32, 33 and 41 under 35 U.S.C. Section 103(a) as allegedly being "unpatentable" over Conrad et al. in view of Lotspiech (U.S. Patent No. 6,748,539). Lotspiech is applied in the office action as allegedly showing the features of these dependent claims. However, even if Lotspiech's disclosure of rented content could somehow be forcedly combined with Conrad et al., Lotspiech does not remedy the deficiencies of Conrad et al. with respect to the independent claims from which claims 7-9, 11, 32 and 33 depend.

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The pending claims are believed to be allowable and favorable office action is respectfully requested.

Respectfully submitted,
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